

### REMARKS

Applicant has carefully studied the Office Action of October 12, 2005 and offers the following remarks to accompany the above amendments.

Initially, Applicant amends the specification in numerous places to make the spelling of "adaptor" consistent. In particular, it appears that several instances of "terminal adaptor zone 24" were spelled "terminal adapter zone 24". Applicant herein amends the specification so that the spelling of adaptor is consistently "adaptor" and not "adapter". No new matter is added.

Before addressing the rejections, Applicant provides a brief summary of the present invention so that the remarks relating to the references are considered in the proper context. The present invention is designed to facilitate the transition of a mobile terminal from a cordless mode to a cellular mode. That is, a user will have a dual mode mobile terminal. In the first mode, occurring typically when the user is at the user's premises, the mobile terminal will function in the cordless mode by interfacing via a terminal adaptor with the PSTN. Only if the user and the mobile terminal leave the effective zone of the terminal adaptor is the mobile terminal switched into the second mode, wherein the mobile terminal interfaces with the PLMN. If the mobile terminal is involved in a call when the mobile terminal moves out of the terminal adaptor zone, the phone call is transitioned from the PSTN to the PLMN.

Claims 1-13 and 15-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Farris et al. (hereinafter "Farris"). Applicant respectfully traverses. For the Patent Office to establish anticipation, the Patent Office must show where each and every element of the claim is shown in the reference. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. Anticipation is a strict standard that has not been met in the current rejection.

Claim 1 recites a mobile terminal transitioning from a wireline network to a wireless network and receiving a request for a temporary directory number to assign temporarily to the mobile terminal. The Patent Office asserts that this is shown in Farris, col. 5, lines 26-58. Applicant respectfully traverses this assertion. Farris, col. 5, lines 26-58 states in full:

The MTSO 27 has a number of directory numbers reserved for use by roaming subscribers. These numbers are referred to as 'temporary directory numbers'. The MTSO assigns one temporary directory number to each roaming subscriber's cellular telephone, as part of the registration procedure when the roamer's telephone enters the area serviced by the MTSO 27. The cellular transceiver in the SNID 19 has a unit identification, and the MTSO 27 recognizes the SNID transceiver as a valid unit having service through the MTSO 27.

However, the cellular system does not assign a normal cellular telephone number to the SNID 19, for regular full time cellular service. Instead, the MTSO 27 treats the SNID 19 as a roaming subscriber. The MTSO 27 therefore assigns one of the temporary directory numbers to the SNID 19 when the cellular transceiver in the SNID 19 becomes active after interruption of landline telephone service through loop 17.

When the MTSO 27 assigns a temporary directory number to the SNID 19, the CPU of the MTSO 27 supplies a data message to the MSP 33 identifying the SNID 19 (e.g. by landline telephone number or by the transceiver identification). The message includes the assigned temporary directory number. The MSP identifies the loop 17 from the identification of the SNID and compiles a call forwarding instruction in appropriate format for loading into the profile data associated with the loop 17 in the memory of the end office switching system 11. The MSP 33 forwards that instruction over an RC-MAC channel to the processor of the end office switch 11. In response, the processor of the switching system 11 activates call forwarding with respect to the loop 17 and loads the temporary directory number into the appropriate memory location.

While the above passage does describe the MTSO as having a number of temporary directory numbers that are assigned to each roaming cellular telephone when the phone enters the area, these cellular telephones are not transitioning from a wireline network to a wireless network. While the SNID 19 transitions from a wireline network to a wireless network, the SNID 19 is not a mobile terminal. SNID 19 is a fixed device mounted on the outside of the customer's house (see Farris, col. 2, lines 18-20). Likewise, the telephone stations 23 are illustrated as being conventional landline phones and are not described as being mobile terminals. Thus, Haynes does not show a mobile terminal transitioning from a wireline network to a wireless network.

Claim 1 further recites "providing the temporary directory number to allow a wireless connection to be established with the mobile terminal. . . ." The Patent Office asserts that this element is taught by Farris, col. 5, lines 46-67 and col. 9, line 58-col. 10, line 40. Applicant respectfully traverses this assertion. Farris, col. 5, lines 46-67 states in full:

When the MTSO 27 assigns a temporary directory number to the SNID 19, the CPU of the MTSO 27 supplies a data message to the MSP 33 identifying the SNID 19 (e.g. by landline telephone number or by the transceiver identification). The message includes the assigned temporary directory number. The MSP identifies the loop 17 from the identification of the SNID and compiles a call forwarding instruction in appropriate format for loading into the profile data associated with the loop 17 in the memory of the end office switching system 11. The MSP 33 forwards that instruction over an RC-MAC channel to the processor of the end office switch 11. In response, the processor of the switching system 11 activates call forwarding with respect to the loop 17 and loads the temporary

directory number into the appropriate memory location.

Subsequently, the end office switch 11 forwards calls for the telephone number assigned to loop 17 using the assigned temporary directory number. The switch 11 routes each such call to the MTSO 27, in such a manner that the MTSO can identify the temporary directory number. In response to the call now directed to the assigned temporary directory number, MTSO 27 and base station 29 provide cellular routing of the call to the SNID 19 and the customer premises equipment 23.

This passage describes the SNID 19 connecting to the MTSO with the temporary directory number to allow a wireless connection to be established from the base station 29 to the SNID 19. However, as noted above, the SNID 19 is not a mobile terminal. Thus, providing a temporary directory number to the SNID 19 is not the same as providing a temporary directory number to allow a wireless connection to be established with the mobile terminal, as recited in the claim.

Farris, col. 9, line 48-col. 10, line 40 states in full:

Consider now the processing of an incoming call. Assume for example, that a person at station 13 calls the customer premises 15 at some time after the line 17 was cut. The user takes the station 13 off-hook and dials the digits of the normal landline telephone number assigned to the line 17 and the customer premises 15. As part of its processing of the call to the number of line 17, the processor within the end office switching system 11 accesses the subscriber profile information associated with the telephone number assigned to the line 17. Under the present circumstances, the profile information will indicate that call forwarding is active and will identify the forwarding number, in this case the temporary directory number that the MTSO 27 assigned to the cellular transceiver 51.

Based on the subscriber profile information, the end office switching system 11 forwards the incoming call to the MTSO 27. As part of the forwarding, the end office switching system 11 indicates to the MTSO 27 that the call is for the temporary directory number, i.e. as currently assigned to the transceiver 51.

The cellular transceiver 51 processes cellular call related signaling messages exactly as does a standard cellular telephone. In the present example, the cellular transceiver 51 monitors paging or signaling messages on the cellular wireless communications and responds to an addressed paging signal from the MTSO 27 and base station 29 representing the presence of the incoming call. The cellular transceiver 51 interacts with the base station 29 and the MTSO 27 to receive the incoming call.

The cellular transceiver 51 will provide an appropriate signal indicating the presence of the incoming call to the landline-to-cellular interface 49. In response, the interface 49 applies a ringing voltage to the two-wire connection. The ringing voltage goes through the switch 45, the RJ11 jack 43 and the customer premises wiring 21 to the customer premises telephone equipment 23. In response, one or more telephones at the premises 15 ring.

When a person at the premises 15 answers the incoming call by lifting the handset of one of the stations 23, a ring-trip detector in the landline-to-cellular interface 49 senses this state transition and terminates the ringing voltage. The interface 49 signals the answer condition to the cellular transceiver 51 and provides a two-way voice grade analog circuit between the two-wire connection to the telephone station 23 and the voice frequency processing circuitry of the cellular transceiver 51. The cellular transceiver 51 then provides an answer message to the cellular network, and two-way voice communication commences on the assigned frequency channels in substantially the same manner discussed above relative to the outgoing call example.

As noted above, the SNID 19 is not a mobile terminal. Thus, the provision of a temporary number to the SNID 19 does not teach the claim element. It is worth noting that cellular transceiver 51 is part of the SNID 19 (see Farris Figure 2). Thus, this cited passage does not teach the recited element. The Patent Office is ignoring the plain language of the claim, which requires that the provision of the temporary directory number be to a mobile terminal.

Since the Patent Office has not shown the mobile terminal of the claim, claim 1 is not anticipated.

Claim 15 is, in relevant part, the same as claim 1, but in a system claim format. Thus, claim 15 is not anticipated at least for the same reasons. Claims 2-13 and 16-28 depend from claims 1 and 15 and are allowable at least for the same reasons. Applicant requests withdrawal of the § 102(b) rejection of claims 1-13 and 15-28 at this time.

Claim 14 was rejected under 35 U.S.C. § 103 as being unpatentable over Farris in view of Takken. Applicant respectfully traverses. For the Patent Office to combine references in an obviousness rejection, the Patent Office must do two things. First, the Patent Office must state a motivation to combine the references, and second the Patent Office must support the stated motivation with actual evidence. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Once a proper combination is made, to establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested. MPEP § 2143.03.

Applicant initially traverses the rejection because the Patent Office has not properly supported its motivation to combine the references. Specifically, the Patent Office asserts that the motivation is "to establish a communication connection between a telephone device and receiver device" (Office Action of October 12, 2005, page 7, lines 19-20). This asserted motivation lacks the evidence required by the Federal Circuit. Since the asserted motivation lacks the required evidence, the motivation is improper. Since the motivation is improper, the

combination is improper. Since the combination is improper, the rejection is improper, and the claim is allowable. Applicant requests withdrawal of the § 103 rejection of claim 14 on this basis.

Applicant further traverses the rejection because the Patent Office has not shown the mobile terminal receiving the temporary directory number. That is, as explained above, Farris does not teach the mobile terminal of claim 1. Nothing in Takken cures the deficiencies of Farris. Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element. Since the combination cannot teach or suggest the claim element, the combination does not establish obviousness.

Applicant still further traverses the rejection because the combination of references does not teach "transferring communications with the mobile terminal from the wireline connection to the wireless connection" as described in claim 14. The Patent Office admits that this element is not taught by Farris, but relies on Takken, paragraphs 0022, 0023, and 0050. Applicant respectfully traverses this assertion.

Takken, paragraphs 0022 and 0023 states in full:

[0022] The telephony system 10 generally comprises an internet telephony device 122 connected to the telephone device 112 for receiving an address of the receiver device 114 from telephone device 112 and for accessing a selected communications network 116. The internet telephony device 122 and the telephone device 112 control the establishment of individual communication connections. Continuing with FIG. 1, the internet telephony device 122 is in communication with an internet telephony selection device 124 for receiving the address of the receiver device 114 and automatically selecting the communications network 116 from either a telephone network 118 or the internet network 120. The internet telephony selection device 124 can run on a processor device 128, such as a computer 128. In an alternate embodiment, the processor 128 can be any suitable device that provides control commands to the internet telephony device 122. The internet telephony selection device 124 automatically determines which of the communications networks 118, 120 the receiver device 114 is capable of accessing. The internet telephony selection device 124 can also be adapted to automatically determine the cost of establishing a communications connection via each of the communications networks 116.

[0023] The communications connection is generally automatically established over the low cost communications network 118, 120 as the internet telephony device 122 receives a selection command from the internet telephony selection device 124 and connects to a network access device 126. For a receiver device 114 which is not directly accessible through the internet network 120, such as a standard telephone, an internet telephony service provider (ITSP) 130 can be

contacted through the internet network 120 to establish the communications connection to the receiver device 114.

The above two paragraphs make no mention of a wireless connection, much less of transferring the communications from the wireline connection to the wireless connection. As a result, they do not teach or suggest the claim element.

Takken, paragraph 0050 states in full:

[0050] Continuing with FIG. 4, a wall jack 450 can provide a wired or wireless connection to the telephone network 418 or internet network 420. In addition, a network access device 426 can be in wireless communication with a wireless provider 456, which provides a communications connection to a telephone network 418 or an internet network 420, as desired. A processor 428 hosting an internet telephony selection device 424 can be in wireless contact with a computer base station 454 for communicating with the network access device 426.

This paragraph does mention a wireless connection between the wall jack 450 and the telephone network 418, but does not discuss transferring the communications from the wireline connection to the wireless connection as recited in the claim. Thus, Takken does not teach or suggest the claim element.

Since the references individually do not teach or suggest the claim element, the combination of references cannot teach or suggest the claim element. Since the combination does not teach or suggest the claim element, the Patent Office has not established obviousness for claim 14. Applicant requests withdrawal of the § 103 rejection of claim 14 at this time.

Applicant requests reconsideration of the rejections in light of the remarks presented herein. The references of record do not teach the transitioning of the mobile terminal from a wireline mode to a wireless mode and the assignment of a temporary directory number. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By: 

Benjamin S. Withrow, Esq.  
Registration No. 40,876  
P.O. Box 1287  
Cary, NC 27512  
Telephone: (919) 654-4520

Date: December 29, 2005  
Attorney Docket: 7000-271

<p align="center"><b>CERTIFICATE OF TRANSMISSION</b></p> <p>I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED BELOW TO:</p> <p>Examiner: <u>Phuong Dai</u> Art Unit: <u>2688</u> Fax: <u>571-273-8300</u></p> <p><u>REBECCA A. ROOKS</u> Name of Sender</p> <p><u>Rebecca A. Rooks</u> Signature</p> <p><u>12-29-05</u> Date of Transmission</p>
---